

AN ORDINANCE approving the awarding of Reference #5049 by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and WAYNE PIPE AND SUPPLY, INC. for the Water Maintenance & Service Department.

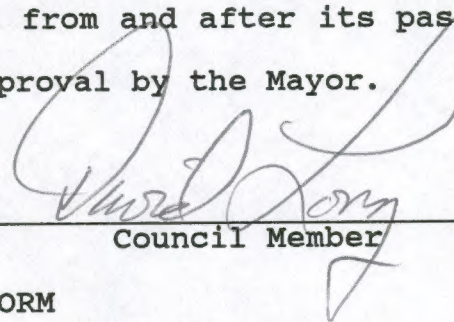
NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA;

SECTION 1. That Reference #5049 between the City of Fort Wayne, by and through its Department of Purchasing and WAYNE PIPE & SUPPLY, INC. for the Water Maintenance & Service Department, respectfully for:

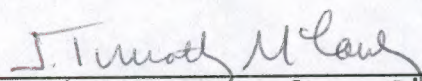
the purchase of copper pipe for the Water Maintenance & Service Department;

involving a total cost of Thirty Thousand Six Hundred Seventy-Two and no/100 Dollars (\$30,672.00) all as more particularly set forth in said Reference #5049, which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

  
Council Member

APPROVED AS TO FORM  
AND LEGALITY

  
J. Timothy McCaulay, City Attorney

REFERENCE NO.:	5049
DEPARTMENT:	WATER MAINTENANCE
DATE:	10/13/92
ITEM/SERVICE:	COPPER PIPE
ADVERTISED BID:	YES
DATES ADVERTISED:	8/21/92 & 8/28/92
DATE OPENED:	9/10/92
WRITTEN QUOTE:	
DATE DUE:	
VERBAL QUOTE:	
SINGLE SOURCE:	
NO. OF VENDORS NOTIFIED:	6
NO. OF VENDORS RECEIVING BID:	4
NO. OF VENDORS RETURNING BID:	4
NO. OF VENDORS DISQUALIFIED:	0
NO. OF VENDORS NOT RESPONDING:	0
DATE SENT TO DEPT FOR RECOMM:	9/14/92
DATE RECOMM RECEIVED BACK:	9/29/92
DATE SENT TO LAW DEPARTMENT:	10/6/92
INTRODUCTION DATE:	10/13/92
DISCUSSION DATE:	10/20/92
PASSAGE DATE:	10/27/92

BID REFERENCE NO. 5049  
WATER MAINTENANCE & SERVICE  
COPPER PIPE  
9/14/92

ITEM/DESCRIPTION	QTY IN FEET	CENTRAL SUPPLY		WAYNE PIPE		UNDERGROUND	TREAT CO
3/4" X 60' (ROLLS)	10200	\$1.37	\$13,974.00	\$1.33	\$13,566.00	NO BID	NON-RESPONSIVE
3/4" X 100' (ROLLS)	3100	\$1.37	\$4,247.00	\$1.33	\$4,123.00		
1" X 60' (ROLLS)	3240	\$1.74	\$5,637.60	\$1.70	\$5,508.00		
1" X 100' (ROLLS)	2200	\$1.74	\$3,828.00	\$1.70	\$3,740.00		
1 1/2" X 20' (LGTHS)	460	\$3.47	\$1,596.20	\$3.22	\$1,481.20		
2" X 20' (LGTHS)	460	\$6.23	\$2,865.80	\$4.90	\$2,254.00		
			\$32,148.60		\$30,672.20		

TREATY'S PRICES ARE NOT FIRM

FRONT PAGE/INVITATION TO BID  
DEPARTMENT OF PURCHASING  
CITY OF FORT WAYNE, ALLEN COUNTY, INDIANA  
ONE MAIN STREET - ROOM 350  
PHONE 219-427-1101

BID OPENING DATE 9/10/92 BID REFERENCE # 5049

SEALED BIDS SHOULD BE DELIVERED TO DEPARTMENT OF PURCHASING, ROOM 350, CITY-COUNTY BUILDING UP TO 11:00 A.M. ON OR BEFORE OPENING DATE.

SEALED BIDS WILL BE OPENED PUBLICLY AT 11:01 A.M. IN THE BOARD OF WORKS & SAFETY CONFERENCE ROOM ON THE THIRD FLOOR OF THE CITY-COUNTY BUILDING. "NO LATE BIDS WILL BE ACCEPTED AFTER 11:00 A.M. FOR ANY REASON WHATSOEVER".

THIS INVITATION FOR BID IS FOR TYPE K SOFT COPPER PIPE AS  
PER SPECIFICATIONS

AND REQUESTED BY WATER MAINTENANCE & SERVICE

THIS BID REQUIRES A XX 5% BID BOND, CERTIFIED OR CASHIER'S CHECK OF ALL BIDDERS.

THIS BID REQUIRES A            100% PERFORMANCE BOND OF SUCCESSFUL BIDDER(S).

PROMPT PAYMENT DISCOUNTS WILL BE ALLOWED AS FOLLOWS: 0 %  
IF PAID WITHIN 30 DAYS.

THIS INVITATION IS ISSUED TO ESTABLISH A CONTRACT TO SUPPLY THE CITY OF FORT WAYNE WITH A COMMODITY OR SERVICE IN ACCORDANCE WITH ACCOMPANYING SPECIFICATIONS.

THE EXECUTION HEREOF BY THE BIDDER IS ACCEPTANCE OF ALL TERMS AND CONDITIONS HEREIN AND IN THAT REGARD THE BIDDER AGREES TO BE BOUND BY SAME AND BE BOUND TO THE AMOUNT OF HIS/HER BID FOR A PERIOD OF NINETY (90) DAYS.

FIRM NAME WAYNE PIPE & SUPPLY, INC.

STREET ADDRESS 1815 S. ANTHONY BLVD

CITY FORT WAYNE PHONE # 219-423-9577

BY *R. C. Schmeider*  
REPRESENTATIVE SIGNATURE

CITY OF FORT WAYNE  
COPPER PIPE  
REQUIREMENTS

THE CITY OF FORT WAYNE, INDIANA, IS REQUESTING BIDS FOR THE PURCHASE OF COPPER PIPE FOR THE WATER MAINTENANCE & SERVICE DEPARTMENT.

ALL COPPER WATER SERVICE PIPE SHALL BE TYPE "K" COPPER WATER TUBE, MADE IN ACCORDANCE WITH THE LATEST REVISIONS OF ASTM SPECIFICATIONS B88 OR FEDERAL SPECIFICATIONS WW-T-799, AND SHALL HAVE THE TYPE DESIGNATION AND THE MANUFACTURERS NAME AND/OR SYMBOL STAMPED INTO THE OUTER SURFACE.

PRICES BID MUST BE EXACT AND HELD FIRM THROUGH THE TERM OF THE AGREEMENT. THERE SHALL BE NO ADDITIONAL CHARGES FOR DELIVERY, HANDLING OR ANY OTHER MISC FEES.

TERM OF AGREEMENT: SEPTEMBER 1 THROUGH DECEMBER 31, 1992

FOB: FORT WAYNE

PLEASE PRICE THE FOLLOWING COPPER PIPE-TYPE K SOFT

SIZE	QTY IN FT	UNIT COST/	TOTAL
3/4" X 60' (ROLLS)	10200	<u>1.33 /</u>	<u>13,566.00</u>
3/4" X 100' (ROLLS)	3100	<u>1.33 /</u>	<u>4,123.00</u>
1" X 60' (ROLLS)	3240	<u>1.70 /</u>	<u>5,508.00</u>
1" X 100' (ROLLS)	2200	<u>1.70 /</u>	<u>3,740.00</u>
1 1/2" X 20' (LENGTHS)	460	<u>3.22 /</u>	<u>1,481.20</u>
2" X 20' (LENGTHS)	460	<u>4.90 /</u>	<u>2,254.00</u>
TOTAL:			<u>\$30,672.20</u>

# BID, OFFER OR PROPOSAL FOR SALE OR LEASE OF MATERIALS

(Defined at I.C. 36-1-2-9.3)  
(Please type or print)

Date: 9-3-92

1. Governmental Unit: CITY OF FORT WAYNE

2. County: ALLEN

3. Bidder (Firm): WAYNE PIPE & SUPPLY, INC.  
Address: 1815 S. ANTHONY BLVD.  
City/State: FORT WAYNE, INDIANA 46803

4. Telephone Number: 219-423-9577

5. Agent of Bidder (if applicable): R.C. SCHMIEMAN

Pursuant to notices given, the undersigned offers bid(s) to CITY OF FORT WAYNE (Governmental Unit) in accordance with the following attachment(s) which specify the class or item number or description, quantity, unit, unit price and total amount.

The contract will be awarded by classes or items, in accordance with specifications. Any changes or alterations in the items specified will render such bid void as to that class or item. Bidder promises that he has not offered nor received a less price than the price stated in his bid for the materials included in said bid. Bidder further agrees that he will not withdraw his bid from the office in which it is filed. A certified check or bond shall be filed with each bid if required, and liability for breach shall be enforceable upon the contract, the bond or certified check or both as the case may be.

*R.C. Schmieman*  
Signature of Bidder or Agent

## BID OFFER OR PROPOSAL

Attach separate sheet listing each item bid based on specifications published by governing body. Following is an example of the bid format:

Class or Item	Quantity	Unit	Description	Unit Price	Amount

## NON-COLLUSION AFFIDAVIT

STATE OF INDIANA )  
                          ) SS:  
Allen COUNTY )

The undersigned bidder or agent, being duly sworn on oath, says that he has not, nor has any other member, representative, or agent of the firm, company, corporation or partnership represented by him, entered into any combination, collusion or agreement with any person relative to the price to be bid by anyone at such letting nor to prevent any person from bidding nor to induce anyone to refrain from bidding, and that this bid is made without reference to any other bid and without any agreement, understanding or combination with any other person in reference to such bidding.

He further says that no person or persons, firms, or corporation has, have or will receive directly or indirectly, any rebate, fee, gift, commission or thing of value on account of such sale.

WAYNE PIPE & SUPPLY, INC.  
Bidder (Firm)

*R.C. Schmieman*  
Signature of Bidder or Agent

Subscribed and sworn to before me this 9th day of September 1992

My Commission Expires: November 4, 1992

County of Residence: Allen

*Deborah M. Schmieman*  
Notary Public

DEBORAH M. SCHMIEMAN  
Notary Public Printed Name

## ACCEPTANCE

There now being sufficient unobligated appropriated funds available, the contracting authority of \_\_\_\_\_ (Governmental Unit) hereby accepts the terms of the attached bid for classes or items numbered \_\_\_\_\_ and promises to pay the undersigned bidder upon delivery the price quoted for the materials stipulated in said bid.

Contracting Authority Members:

Date: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# Fidelity and Deposit Company

HOME OFFICE

OF MARYLAND

BALTIMORE, MD. 21203

## BID BOND

KNOW ALL MEN BY THESE PRESENTS:

That we, Wayne Pipe & Supply, Inc.  
1815 South Anthony Blvd., Fort Wayne, IN 46803

....., as Principal, (hereinafter called the "Principal"), and  
 the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, of Baltimore, Maryland, a corporation duly organized  
 under the laws of the State of Maryland, as Surety, (hereinafter called the "Surety"), are held and firmly bound  
 unto City of Fort Wayne, IN

..... as Obligee, (hereinafter called the "Obligee"),  
 in the sum of Five Percent (5%) of Contractor's Maximum Bid Dollars (\$ -----),  
 for the payment of which sum well and truly to be made, the said Principal and the said Surety, bind ourselves,  
 our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has submitted a bid for Bid Reference 5049  
Furnishing Copper Pipe

NOW, THEREFORE, if the Obligee shall accept the bid of the Principal and the Principal shall enter into  
 a contract with the Obligee in accordance with the terms of such bid and give such bond or bonds as may be  
 specified in the bidding or contract documents with good and sufficient surety for the faithful performance of  
 such contract and for the prompt payment of labor and material furnished in the prosecution thereof, or in the  
 event of the failure of the Principal to enter into such contract and give such bond or bonds, if the Principal  
 shall pay to the Obligee the difference not to exceed the penalty hereof between the amount specified in said  
 bid and such larger amount for which the Obligee may in good faith contract with another party to perform  
 the work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect.

Signed and sealed this 10th day of September A.D. 19 92

R. C. Schriener  
 Witness

WAYNE PIPE & SUPPLY, INC. (SEAL)

Principal  
 by: [Signature]  
 Title

FIDELITY AND DEPOSIT COMPANY OF MARYLAND  
 Surety

Catherine D. Wells  
 Witness

By: [Signature] (SEAL)  
 Gerald Clancy, Attorney-in-Fact

Power of Attorney  
**FIDELITY AND DEPOSIT COMPANY OF MARYLAND**

HOME OFFICE, BALTIMORE, MD

KNOW ALL MEN BY THESE PRESENTS: That the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, a corporation of the State of Maryland, by C. M. PECOT, JR., Vice-President, and C. W. ROBBINS Assistant Secretary, in pursuance of authority granted by Article VI, Section 2, of the By-Laws of said Company, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, does hereby nominate, constitute and appoint Duane E. Lupke, Donald L. Casey, Edward B. Rice, Virginia T. Axson, Gerald Clancy and Judith A. Snyder, all of Fort Wayne, Indiana, EACH.....

its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: any and all bonds and undertakings.....

And the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Company, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the Company at its office in Baltimore, Md., in their own proper persons. This power of attorney revokes that issued on behalf of Duane E. Lupke, et al., dated, October 1, 1987.

The said Assistant Secretary does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article VI, Section 2, of the By-Laws of said Company, and is now in force.

IN WITNESS WHEREOF, the said Vice-President and Assistant Secretary have hereunto subscribed their names and affixed the Corporate Seal of the said FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 24th day of July, A.D. 1990

ATTEST:



FIDELITY AND DEPOSIT COMPANY OF MARYLAND

Assistant Secretary

By

Vice-President

STATE OF MARYLAND  
CITY OF BALTIMORE

ss:

On this 24th day of July, A.D. 1990, before the subscriber, a Notary Public of the State of Maryland, in and for the City of Baltimore, duly commissioned and qualified, came the above-named Vice-President and Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and they each acknowledged the execution of the same, and being by me duly sworn, severally and each for himself depose and saith, that they are the said officers of the Company aforesaid, and that the seal affixed to the preceding instrument is the Corporate Seal of said Company, and that the said Corporate Seal and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal, at the City of Baltimore, the day and year first above written.



Notary Public Commission Expires August 1, 1992

**CERTIFICATE**

I, the undersigned, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the original Power of Attorney of which the foregoing is a full, true and correct copy, is in full force and effect on the date of this certificate; and I do further certify that the Vice-President who executed the said Power of Attorney was one of the additional Vice-Presidents specially authorized by the Board of Directors to appoint any Attorney-in-Fact as provided in Article VI, Section 2, of the By-Laws of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND.

This Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 16th day of July, 1969.

RESOLVED: "That the facsimile or mechanically reproduced signature of any Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed."

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the said Company, this 10th day of September, 1992.

044-2987

Assistant Secretary

Bidder/Vendor  
Anti-apartheid Certification

The undersigned, on behalf of WAYNE PIPE & SUPPLY, INC., does hereby make the following representations to the City of Fort Wayne, Indiana.

WHEREAS, it is acknowledged that the Common Council of the City of Fort Wayne, Indiana, has passed an ordinance condemning the apartheid policies of the country of South Africa;

WHEREAS, council's ordinance requires that all person, firms, or corporations submitting bids to the City, for goods and services, certify, as part of the bid, that such entity does not support the policies of apartheid on South Africa.

The undersigned states, on behalf of

WAYNE PIPE & SUPPLY, INC., that WAYNE PIPE & SUPPLY, INC.

does not support or endorse the policy of apartheid  
in South Africa

IN WITNESS WHEREOF, this certification has been  
signed this 3RD days of SEPTEMBER, 1992

WAYNE PIPE & SUPPLY, INC.

Name of Bidder/Vendor

R. C. Schmieman

Name and Title of Person Signing

CITY OF FORT WAYNE  
AFFIRMATIVE ACTION PROGRAM

NAME OF COMPANY \_\_\_\_\_ ON FILE \_\_\_\_\_  
ADDRESS \_\_\_\_\_ CITY \_\_\_\_\_  
ZIP \_\_\_\_\_ PHONE \_\_\_\_\_

Identify by title and name the highest official within the facility who has the overall responsibility for the implementation of the Equal Employment Opportunity and Affirmative Action Program.

\_\_\_\_\_  
Please Print

\_\_\_\_\_  
Title

Date \_\_\_\_\_

Signature \_\_\_\_\_

1. Does your firm have a written Affirmative Action Program?  
\_\_\_\_\_Yes \_\_\_\_\_No
- A. If so, and it contains answers to the questions asked in this program, attach a copy and sign the Written Statement of Company Policy.
- B. If not, do you accept the following program in meeting the requirements of the City of Fort Wayne?  
\_\_\_\_\_Yes \_\_\_\_\_No

PLEASE KEEP IN MIND THAT FAILURE TO COMPLETE ALL SECTION OF THIS DOCUMENT WILL RESULT IN YOUR PROGRAM BEING REJECTED

2. Will your firm make every effort to increase employment of minorities at all levels of its workforce with particular emphasis to categories where few, if any minority people are employed? \_\_\_\_\_Yes \_\_\_\_\_No
3. Current number of employees \_\_\_\_\_  
Number of employees in January, 1991 \_\_\_\_\_

Read the first time in full and on motion by Long, seconded by                     , and duly adopted, read the second time by title and referred to the Committee on City Halluters (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on                     , the                      day of                     , 19                     , at                      o'clock                      M., E.S.T.

DATED: 10-23-92

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Jalisco, seconded by                     , and duly adopted, placed on its passage. PASSED LOST by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>8</u>			<u>1</u>
BRADBURY	<u>✓</u>			
EDMONDS	<u>✓</u>			
GiaQUINTA	<u>✓</u>			
HENRY	<u>✓</u>			
LONG				<u>✓</u>
LUNSEY	<u>✓</u>			
RAVINE	<u>✓</u>			
SCHMIDT	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 10-27-92

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,

Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)

(SPECIAL)

(ZONING)

ORDINANCE

RESOLUTION NO. S-187-92

on the 27th day of October, 19 92

ATTEST:

(SEAL)

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Thomas P. Henry  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on

the 28th day of October, 19 92

at the hour of 3:00 o'clock P. M., E.S.T.

Approved and signed by me this 22 day of November,

19 92, at the hour of 9:15 o'clock A P M., E.S.T.

Paul Helmke  
PAUL HELMKE, MAYOR

DIGEST SHEET

TITLE OF ORDINANCE: Special

DEPARTMENT REQUESTING ORDINANCE: Purchasing

SYNOPSIS OF ORDINANCE: An ordinance approving the purchase of copper pipe for the Water Maintenance & Service Department. The cost reflects the lowest and most responsive of four (4) vendors.

IF NOT LOWEST, WHO WAS AND WHY WERE THEY NOT AWARDED:

EFFECT OF PASSAGE: Pipe will be used in the installation of new services and repair/replace of existing services.

IF REPLACEMENT, WHAT NECESSITATES: Leaking of old lead services that need to be relocated or replaced.

EFFECT ON NON-PASSAGE: We would not be able to install new services or repair existing services.

PRIOR APPROVAL REQUESTED: DATE:

MONIES INVOLVED: Wayne Pipe & Supply \$30672.00

PRICE AGREEMENT: PURCHASE ORDER: YES

ACCOUNT INFORMATION: W M & S 513-523-W154-4221

*J-52-10-22*

BILL NO. S-92-10-22

REPORT OF THE COMMITTEE ON  
CITY UTILITIES

DAVID C. LONG, CHAIR  
SAMUEL J. TALRAICO, VICE CHAIR  
LUNSEY, BRADBURY

WE, YOUR COMMITTEE ON CITY UTILITIES TO WHOM WAS  
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) approving the awarding'  
of Reference #5049 by the City of Fort Wayne, Indiana, by and  
through its Department of Purchasing and WAYNE PIPE AND SUPPLY,  
INC. for the Water Maintenance & Service Department

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION  
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID  
(ORDINANCE) (~~RESOLUTION~~)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

*Sam Talarico*  
*Bradbury*  
*Micki Jones*

DATED: 10-27-92

Sandra E. Kennedy  
City Clerk